

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-00510-FDW-DSC**

TONY OSIAS,

Plaintiff,

v.

ALEJANDRO MAYORKAS, et al.,

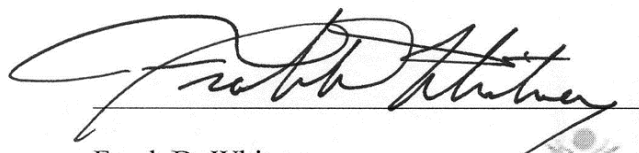
Defendants.

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's untimely payment of the filing fee in this action.

Pro Plaintiff sought to proceed with this action without having to prepay costs associated with prosecuting the matter. [Doc. 6]. The Court denied Plaintiff's initial motion to proceed in forma pauperis (IFP) without prejudice to amending his application or paying the filing fee within 21 days of the Court's Order. [Doc. 8]. The Court advised Plaintiff that this action would be dismissed without prejudice and without further notice should he fail to comply with the Court's Order. [Id. at 1-2]. Plaintiff failed to timely comply with the Court's Order and the action was dismissed. [Doc. 9]. Plaintiff, however, did eventually pay the filing fee. [See 2/9/2023 Docket Entry]. The Court, therefore, will direct the Clerk's Financial Department to return the filing fee to the Plaintiff so that Plaintiff may refile the action. Plaintiff is directed to pay the filing fee in full if he chooses to refile this action.

**IT IS, THEREFORE, ORDERED** that the Clerk's Financial Department shall reimburse Plaintiff for the filing fee in this matter. Signed: March 13, 2023



Frank D. Whitney

United States District Judge